

10-07-03

#12 DAC/#

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

2056A

First named inventor: **John A. Sollars**

Application No.: **09/884,541**

Art Unit: **3616**

Filed: **June 19, 2001**

Examiner: **English, Peter C.**

Title: **Inflatable Airbag and Method of Making the Same**

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee **\$1,300** (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of **Amendment, RCE** (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

09884541  
09/21/2003 ALLEY 00000009 045500  
1330.00 DA  
770.00 DA  
01 FC:1453  
02 FC:1801

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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### 3. Terminal disclaimer with disclaimer fee

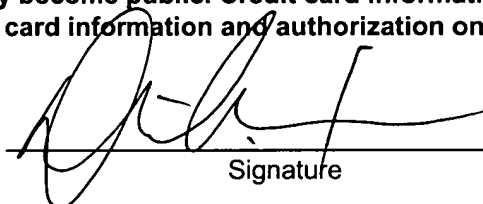
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

October 6, 2003

Date

 32,604  
Signature

Telephone

Number: (864) 503-1372

Daniel R. Alexander

Typed or printed name

P. O. Box 1927

Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Copies of Previously Sent Information

Spartanburg, SC 29304

Address

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

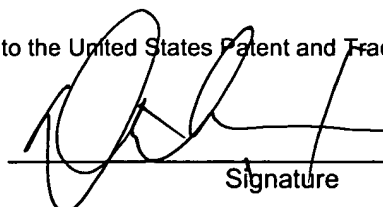
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 6, 2003

Date

 32,604  
Signature

Daniel R. Alexander

Type or printed name of person signing certificate



STATEMENT  
October 6, 2003

Applicant did not intend to abandon this application. Applicant filed a Continued Prosecution Application (CPA) on October 3, 2002 (copy attached). This CPA was treated as a Request for Continued Examination by the Patent Office (copy attached). The Patent Office held the case abandoned because the CPA (RCE) did not include a submission (copy attached).

Applicant respectfully hereby rectifies the lack of a submission with the CPA (treated as an RCE) by submitting a Petition for Revival, RCE, and Amendment herewith.

October 6, 2003  
MILLIKEN & COMPANY  
P. O. Box 1926  
Spartanburg, SC 29304

Respectfully requested,

Daniel R. Alexander  
Attorney for Applicant(s)  
Registration Number 32,604  
Telephone: (864) 503-1372

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2003, along with a postcard receipt.

  
Attorney for Applicant(s)

7



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Formerly John A. Sollars  
Serial Number: Formerly 09/884,541  
Filed: Formerly June 19, 2001  
For: **INFLATABLE AIRBAG AND METHOD OF MAKING THE SAME**  
Group Art Unit: Formerly 3616  
Examiner: Formerly English, Peter C.

**CONTINUED PROSECUTION APPLICATION (CPA)**  
**37 C.F.R. § 1.53(d)**

Box CPA  
Commissioner of Patents and Trademarks  
Washington, D. C. 20231

COPY

1. This is a request for the filing of a continuation CPA under 37 C.F.R. § 1.53(d) of the above-identified prior non-provisional application. It is further requested that this CPA utilize the file jacket and contents of the prior application including the specification and declaration, and that the application number of the above-identified prior application be assigned for identification purposes. It is also requested that the above-identified application be expressly abandoned as of the filing date accorded this CPA.
2. A request for an Extension of Time for taking action in the prior application is filed concurrently herewith.
3. This CPA names as inventors the same inventors named in the prior application.
4. The filing fee for this application is as follows:

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	Number Filed	Less	Equals	x Rate	TOTALS
Basic Fee	*****	*****	*****	*****	\$790.00
Total Claims	40	20	20	18.00	360.00
Independent Claims	7	3	4	84.00	336.00
<b>TOTAL FILING FEE</b>	*****	*****	*****	*****	<b>\$1,486.00</b>

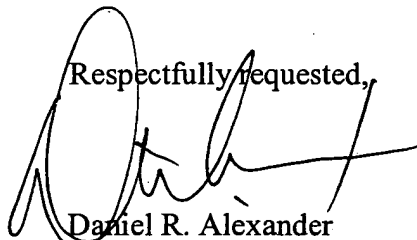
**5. PAYMENT**

Authorization is hereby provided to charge the above filing fee to deposit account 04-0500.

A duplicate of this transmittal is attached.

October 3, 2002

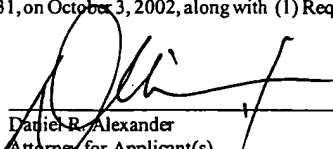
Respectfully requested,



Daniel R. Alexander  
Attorney for Applicant(s)  
Registration Number 34132  
Telephone: (864) 503-1372

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Number EV 141003812 US in an envelope addressed to Box CPA, Commissioner of Patents, Washington, DC 20231, on October 3, 2002, along with (1) Request For Extension of Time and (2) a postcard receipt.

  
Daniel R. Alexander  
Attorney for Applicant(s)



## UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 1 2002  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,541	06/19/2001	John A. Sollars JR.	2056A	3491

7590 10/17/2002

TERRY T MOYER  
P.O. Box 1927  
SPARTANBURG, SC 29304

EXAMINER

ENGLISH, PETER C

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 10/17/2002

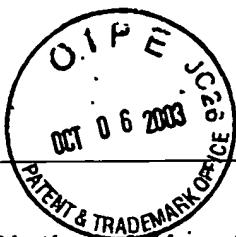
Please find below and/or attached an Office communication concerning this application or proceeding.

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# **Notice of Abandonment**

Application No.

09/884,541

Examiner

Peter C. English

Applicant(s)

SOLLARS JR., JOHN A.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 April 2002.

(a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

(b) ☒ A proposed reply was received on 03 October 2002, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

NOTE: Applicant's request for a continued prosecution application (CPA) under 37 CFR 1.53(d) filed on 03 October 2002 has been treated as a request for continued examination (RCE) under 37 CFR 1.114 because CPA practice does not apply to applications filed on or after May 29, 2000. The constructive RCE, however, is improper because it was not accompanied by a submission as required by 37 CFR 1.114.

Peter C. English  
Primary Examiner  
Art Unit: 3616

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.81, should be promptly filed to minimize any negative effects on patent term.

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UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 15 2002

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,541	06/19/2001	John A. Sollars JR.	2056A	3491

7590 10/10/2002

TERRY T MOYER  
P.O. Box 1927  
SPARTANBURG, SC 29304

EXAMINER

ENGLISH, PETER C

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 10/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY DOCKET NO./TITLE



DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10-3-02 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☒ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on 10-4-02. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Mary E. Jones, Examining Group 3600

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